

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MAURICE DOUSE,

Plaintiff,  
-against-

**ORDER**  
12 CV 3646 (DRH)

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

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**HURLEY, Senior District Judge:**

Plaintiff, Maurice Douse, commenced this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision by the Commissioner of Social Security that denied his claim for disability benefits. Presently before the Court is plaintiff's motion to proceed *in forma pauperis*. In connection with his application, plaintiff has submitted an affidavit setting forth his financial status. (Docket No. 2.) Plaintiff's application is granted.

The Court "may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1).<sup>1</sup> An affidavit is sufficient for the purposes of the statute when it "states that one cannot because of his poverty 'pay or give security for the costs [of litigation] and still be able to provide' himself and dependents 'with the necessities of life.'" *Adkins v. E.I. Du Pont De Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948).

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<sup>1</sup> "Although section 1915(a) refers to a 'statement of all assets such prisoner possesses,' this section has been applied by courts in their review of applications of non-prisoners as well." *Fridman v. City of New York*, 195 F. Supp. 2d 534, 536 n.1 (S.D.N.Y. 2002).

Plaintiff contends that he has suffered from a disability since January 15, 2008 (Compl. ¶ 7.) He has not been employed since December of 2008, and currently receives \$575 per month plus a small rent subsidy from the Department of Social Services. (Aff. ¶¶ 2, 3, 7.) Plaintiff also holds no significant assets. (*Id.* ¶¶ 4-5.) In sum, after reviewing plaintiff's affidavit, the Court finds that plaintiff cannot gather sufficient funds to commence this action. Accordingly, plaintiff's motion for leave to proceed *in forma pauperis* is granted.

**SO ORDERED.**

Dated: Central Islip, New York  
August 7, 2012

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Denis R. Hurley  
United States District Judge